

## **REMARKS**

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 1, 2, and 3 have been amended. Claim 16 has been canceled because it was a substantial duplicate of claim 15. No new matter has been added.

### **Objections**

The drawings were objected to under 37 C.F.R. 1.83(a) because they did not illustrate syringes of different sizes and volumes. Figure 11 has been amended to schematically illustrate syringes 12, 14. Support for the amendments to Figure 11 are provided by at least the description at paragraph [0039] of the published version of the present application. The difference in sizes of syringes 12, 14 provide for different volumes in the syringes. No new matter has been added.

Claim 16 was objected to because it was a duplicate of claim 15. Claim 16 has been canceled. Withdrawal of the objection is respectfully requested.

### **§102 Rejections**

Claims 1-4, 6 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Hood (US 5,887,755). Applicant respectfully traverses this rejection.

Hood discloses a device 100 that includes syringes 102, 104 connected to a manifold 110. The manifold 110 defines separate fluid channels 112, 114 that carry fluid from each of the syringes 102, 104 respectively. Fluid from the fluid channels 112, 114 are delivered to a mixing chamber 116 defined at a distal end of the fluid channels 112, 114. A source of compressed air provided via a gas channel 130 mixes with the fluid in fluid channel 112 at a location proximal of the mixing chamber 116. As a result, the gas from gas channel 130 mixes thoroughly with the fluid in fluid channel 112 prior to mixture of the fluids from fluid channels 112, 114 in the mixing chamber 116.

The manifold 110 is specifically designed to provide proper mixing of the fluids from fluid channels 112, 114 prior to ejection of the fluid mixture from the manifold 110. See column 6, lines 45-65 of Hood.

Hood fails to disclose an applicator that provides "an expulsion port for each solution through which the solution separately exits the applicator without mixing prior to exit," as required by claim 1. Hood also fails to disclose "a mixing body having a mixing chamber therein for selectively receiving first and second solutions in a separated manner via the lumens and providing an expulsion port for each lumen through which the solutions separately exit the applicator," as required by claim 2. Hood further fails to disclose "a plurality of corresponding lumens fluidly connected to the syringes and extending outward from the manifold in a manner such that the lumens expel fluid substantially adjacent to one another that mix after being expelled from the applicator," as required by claim 3. As discussed above, Hood discloses a manifold configured specifically for mixing of two separate fluids in advance of expelling the mixed solution from the manifold. Hood fails to disclose in any way keeping the two fluids separate from each other until after expulsion from the manifold, as Hood clearly emphasizes the exact opposite outcome (i.e., mixing prior to expulsion). Therefore, Applicants submit that Hood fails to disclose every limitation of claims 1-3 and the claims that depend from them.

#### §103 Rejections

Claims 5, 7, 8, and 14-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hood in view of Sawhney (US 6,179,862). Applicant respectfully traverses this rejection. As discussed above, Hood fails to disclose or suggest every limitation of claims 1 and 3. In fact, Hood teaches away from the limitations of claims 1 and 3 because it emphasizes the importance of mixing two separate fluids prior to expelling them from the manifold. Sawhney fails to remedy the deficiencies of Hood as it relates to claims 1 and 3. Therefore, claims 5, 7, 8, and 14-17 are allowable for at least the reason they are dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

Claims 9-12 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hood in view of Sawhney and further in view of Eibl (US 4,735,616). Applicant respectfully traverses this rejection.

As discussed above, Hood and Sawhney fail to disclose or suggest every limitation of claims 1 and 3. Eibl fails to remedy the deficiencies of Hood and Sawhney as they relate to claims 1 and 3. Therefore, claims 9-12 and 18-19 are allowable for at least the reason they are

dependent upon an allowable base claim. Applicant does not otherwise concede the correctness of this rejection.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicants' attorney listed below at (612) 371-5387.

Respectfully submitted,

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